

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

Edward Butowsky,

Plaintiff,

v.

Case No. 4:19-cv-00180-ALM-kpj

Michael Gottlieb, et al.,

Defendants

NOTICE

NOW COMES Edward Butowsky, the Plaintiff, giving notice to the Court as follows:

The Plaintiff has attached a January 27, 2020 letter (Exhibit 1) to the U.S. Attorney for the Eastern District of New York, the U.S. Attorney for Connecticut, and the Inspector General of the U.S. Department of Justice regarding false or misleading affidavits that were submitted to the U.S. District Court for the Eastern District of New York. One of these affidavits was cited by the Federal Bureau of Investigation (“FBI”) when it refused to comply with the Plaintiff’s subpoena in this case, *see* August 8, 2019 Letter from Joshua M. Russ to Ty Clevenger (found at Doc. No. 160-5 and 179-5), and this Court relied upon the same affidavit from FBI Section Chief David M. Hardy when it refused to enforce a similar subpoena in a related case. *See* December 13, 2019 ORDER, *Ed Butowsky v. David Folkenflik, et al.*, Case No. 4:18-cv-00442-ALM-CMC (Exhibit 2). That affidavit (Exhibit 3) is equally relevant to the Plaintiff’s motion to enforce his

subpoena in this case. *See* CORRECTED MOTION TO COMPEL FEDERAL BUREAU OF INVESTIGATION TO COMPLY WITH SUBPOENA DUCES TECUM (Doc. No. 179).

As set forth in the January 27, 2020 letter, a non-profit organization (Judicial Watch) obtained and published FBI emails concerning Seth Rich, notwithstanding the FBI's earlier affidavit attesting that a reasonable search had been conducted and no records concerning Mr. Rich were located. As the Court can see from that letter, Plaintiff's Counsel has asked the two U.S. Attorneys and the inspector general to investigate whether the FBI's deception was intentional. Plaintiff's Counsel is attempting to obtain a declaration from Judicial Watch attesting that it obtained the emails in question from the FBI, and he will update the Court if and when that happens.

On an unrelated note, Plaintiff's Counsel previously overlooked the requirement to provide courtesy copies to the presiding magistrate, and he apologizes to the Court. He will mail a hard copy of this document, and he will gladly mail copies of previous filings if the Court wishes.

Respectfully submitted,

/s/ Ty Clevenger

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CERTIFICATE OF SERVICE

I certify that a copy of this document was filed electronically with the Court's ECF system on January 28, 2020, which should result in automatic notification to all counsel of record.

/s/ Ty Clevenger

Ty Clevenger